

To: George Vega, Director, Division of Personnel Services
Tracy Diel, Director, Office of Administrative Hearings
James E. Lowther, Chairperson, Civil Service Board

From: Michele L. Tunnell, Secretary, Civil Service Board

Date: July 15, 2010

Re: Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the April 15, 2010 quarterly report:

A. Cases Decided and/or Disposed Of:

Dismissal

dismissed

Kansas State University

Certified Asbestos Worker Senior. Appellant was dismissed for habitually failing to report for duty at the assigned time and place. Appellant also made threatening statements regarding his supervisor and statements about suicide. The parties reached a resolution and the appeal was dismissed.

Dismissal

affirmed

Wichita State University

Painter. Appellant was dismissed after going to a university apartment and making racially threatening comments. After hearing all the evidence, the Board affirmed the decision of the appointing authority.

Dismissal

dismissed

Kansas Department of Wildlife and Parks

Program Services Manager II. Appellant was dismissed for improper use of state property, misappropriation of state funds, and insubordination. The parties reached a resolution and the appeal was dismissed.

Dismissal

dismissed

Kansas Department of Health and Environment

Environmental Scientist I. Appellant was dismissed after receiving two consecutive unsatisfactory evaluations within a 180 day period. The KDHE also discovered that the appellant had negotiated for the purchase of scrap metal from a facility at which he had previously conducted an inspection. The parties reached a resolution and the appeal was dismissed.

Dismissal*affirmed*

Kansas Highway Patrol

Technical Trooper. Appellant was dismissed for numerous violations of KHP policies and failure to follow Kansas civil law, K.S.A. 60-4108 and the Kansas Asset Seizure and Forfeiture Act. After hearing all the evidence, the Board affirmed the decision of the appointing authority.

3-day suspension*withdrawn*

Larned Correctional Mental Health Facility

Corrections Officer I. Appellant was suspended for three days after using excessive force. Prior to the hearing, the appellant withdrew his appeal.

Dismissal*dismissed*

Kansas Veterans Home

Registered Nurse Senior. Appellant was dismissed after failing to follow KVH policy that required her to notify a physician when a resident had chest pain accompanied by nausea. The parties reached a resolution and the appeal was dismissed.

Dismissal*modified*

Kansas Department of Transportation

Equipment Operator. Appellant was dismissed for purportedly calling a coworker a racially inappropriate name and demonstrating a pattern of inappropriate comments and behavior in the workplace. The Board found dismissal unreasonable and modified the discipline to a 90-day suspension without pay.

Appeal of performance evaluation*dismissed*

Kansas Department of Agriculture

Accountant II. Appellant was requesting appeal of her performance evaluation; therefore, the Board dismissed the case as it was not ripe for appeal to the Board.

Dismissal*withdrawn*

Kansas Highway Patrol

Trooper. Appellant was dismissed on the grounds that he was determined not to be fit for full time law enforcement duty. Appellant withdrew his appeal after being approved for disability retirement.

Dismissal*affirmed*

El Dorado Correctional Facility

Corrections Officer I. Appellant was dismissed without prejudice as she was unable to perform the essential duties of her position. After hearing all the evidence, including the appellant's statement that she believed the appointing authority's decision was reasonable, the Board affirmed the decision of the appointing authority.

3-day suspension*withdrawn*

Kansas State Fire Marshal

Fire Prevention Inspector. Appellant was suspended for three days because of his continued failure to follow Prevention Division policies by providing facilities with unauthorized communications and his failure to report to the Topeka Office when requested by his supervisor. The appellant withdrew his appeal.

Dismissal*withdrawn*

Kansas State Fire Marshal

Fire Prevention Inspector. Appellant was dismissed based on his improper use of leave privileges, habitual pattern of failure to report to duty at the assigned time and place or remain in duty, and participation in actions that seriously disrupted or disturbed the normal operation of the agency. The appellant withdrew his appeal.

B. Cases Filed Between April 16, 2010 to July 15, 2010:

3-day suspension, Larned Correctional Mental Health Facility, filed April 21, 2010

10-day suspension, Topeka Correctional Facility, filed May 11, 2010

Dismissal, Kansas Department of Commerce, filed May 14, 2010

Dismissal, Kansas Department of Health and Environment, filed May 20, 2010

3-day suspension, Kansas State Fire Marshal, filed May 26, 2010

Dismissal, Kansas State Fire Marshal, filed May 26, 2010

Appeal of performance evaluation, Kansas Department of Agriculture, filed June 14, 2010

Dismissal, Kansas Department of Administration-DISC, filed June 22, 2010

C. Cases To Be Heard:

Dismissal, Kansas Department of Social and Rehabilitation Services, stayed

Dismissal, Kansas Neurological Institute, set September 8, 2010

Demotion, El Dorado Correctional Facility, set August 3, 2010

10-day suspension, Topeka Correctional Facility, set July 22, 2010

Dismissal, Kansas Department of Commerce, set August 17, 2010

Dismissal, Kansas Department of Health and Environment, set July 21, 2010

Dismissal, Kansas Department of Administration-DISC, set August 19, 2010

D. Statistics for Completed Cases:

Dismissals: 10

Demotions: 0

Suspensions: 2

Lay-off: 0

Other: 1 (Employee was seeking an appeal of her performance evaluation. The case was dismissed as it was not ripe for appeal to the Board.)

Affirmed: 3

Reversed: 0

Modified: 1

Dismissed: 5

Withdrawn: 4

Default: 0

Kansas State University: 1

Wichita State University: 1

Kansas Department of Wildlife and Parks: 1

Kansas Department of Health and Environment: 1

Kansas Highway Patrol: 2

Department of Corrections: 2

Kansas Veterans Home: 1
Kansas Department of Transportation: 1
Kansas Department of Agriculture: 1
State Fire Marshal: 2